MULTIMEDIA UNIVERSITY

STUDENT ID NO

MULTIMEDIA UNIVERSITY

FINAL EXAMINATION

(TRIMESTER 1, 2019/2020)

UPI 3612 – PUBLIC INTERNATIONAL LAW I

(All Sections / Groups)

23 OCTOBER 2019
Reading Time : 2.30pm – 2.45pm
(15 Minutes)
Answering Time : 2.45pm – 5.45pm
(3 Hours)

INSTRUCTIONS TO STUDENTS

1. Students will have **fifteen minutes** during which they may read the paper and make rough notes ONLY in their question paper. Students then have the remaining **THREE HOURS** in which to answer the questions.

2. This Question paper consists of 3 pages with 4 Questions only.

3. Attempt question 1A **or** 1B. Questions **2-4** are compulsory. The distribution of the marks for each question is given.

4. Students are not allowed to bring in any statutes into the Examination Hall.

5. Please write all your answers in the Answer Booklet provided

PART A (Attempt **1A OR 1B** from this section)

QUESTION 1A

"International law is accepted in practice as legally binding by States in their intercourse because it is useful to reduce complexity and uncertainty in international relations by laying down orderly, predictable and binding principles."

(Abdul Ghafur Hamid)

With reference to the above statement, discuss the various theories as to the basis for the binding authority of international law or the juridical basis of the international law.

(Total: 25 Marks)

OR

QUESTION 1B

The greatest weakness of international law lies in its lack of legislature; lack of compulsory jurisdiction of international Courts and lack of effective enforcement machinery.

Critically discuss the above statement with concrete examples.

(Total: 25 Marks)

Continued...

PART B (Answer **ALL** from this section)

QUESTION 2

There was an insurrectional movement in State A, aiming to overthrow its existing Government. The rebel forces were gaining ground, defeating the government forces in many parts of the country. Before retreating from the capital city of State A, the government forces had destroyed all the factories and industries owned by nationals of State B.

A few days later, the government forces unconditionally surrendered. The insurrectional movement formed a new Government, headed by its leader Mr. X who became the new President of State A. Since State A was facing with an economic crisis, the President on his first day of presidency passed a Presidential Decree, confiscating the assets of a multinational oil company incorporated in State C.

A few months after that, a tourist from State D was jungle-trekking in a deep forest which was declared by the Tourism Department of State A as an out of bound area where cruel aborigines were at large. He was killed by an aborigine.

Discuss how and to what extent the national States of the victims in the above-mentioned occurrences can make international claims against State A under international law.

(Total: 25 Marks)

Continued....

QUESTION 3

> "In order to deduce the existence of customary rules, the Court deems it sufficient that the conduct of States should, in general, be consistent with such rules, and that instances of State conduct inconsistent with a given rule should generally have been treated as breaches of that rule, not as indications of the recognition of a new rule."
>
> [Case concerning Military and Paramilitary Activities in and against Nicaragua (Nicaragua v. United States) (Merits), 1986 ICJ Reports 98]

In light of the above, discuss the importance of State practice in the formation of customary international law and the effect of dissention.

(Total: 25 Marks)

QUESTION 4

(1) Discuss 'Head of State Immunity' under international law with decided cases.

(15marks)

(2) Discuss "Diplomatic Immunity' with decided cases.

(10 marks)

(Total: 25 marks)

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